

EXHIBIT 9

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION

CATHERINE ALEXANDER,

Plaintiff,

vs.

No. 3:18-cv-966-MJR-DGW

TAKE-TWO INTERACTIVE SOFTWARE, INC.,
2K GAMES, INC.; 2K SPORTS, INC.; WORLD
WRESTLING ENTERTAINMENT, INC.;
VISUAL CONCEPTS ENTERTAINMENT;
YUKE'S CO., LTD.; AND YUKE'S LA, INC.,

Defendants.

VIDEOTAPED DEPOSITION OF

CATHERINE ALEXANDER

January 15, 2019

Belleville, Illinois

Reported by:

Pamela Harrison

Job no: 24082

1 Q Would you agree that Mr. Orton was depicted
2 very realistically, like he looked in real life?

3 A Yes, ma'am.

4 Q Would you agree that part of what he looks
5 like in real life is the tattoos that he bears on
6 his person?

7 MR. SIMON: Object to the form.

8 Go ahead.

9 A Absolutely, yes, ma'am.

10 QUESTIONS BY MS. CENDALI:

11 Q Would you agree that the tattoos are part of
12 his persona?

13 MR. SIMON: Object to the form.

14 Go ahead.

15 A Yes, ma'am.

16 QUESTIONS BY MS. CENDALI:

17 Q Would you agree that Mr. Orton wouldn't look
18 as much like Mr. Orton without his tattoos?

19 MR. SIMON: Object to the form.

20 A Yes, ma'am.

21 QUESTIONS BY MS. CENDALI:

22 Q Would you agree that Mr. Orton's tattoos are
23 part of his personal statement to the world?

24 MR. SIMON: Object to the form.

1 Go ahead.

2 A I don't understand.

3 QUESTIONS BY MS. CENDALI:

4 Q Sure.

5 Would -- how long have you been a tattooist?

6 A Since 2001.

7 Q In your experience as a tattooist, do you
8 believe that generally your clients choose tattoos
9 that they think helps them express how they want to
10 appear to the world?

11 A I can't speculate on why they would get the
12 tattoos they get.

13 Q People never say to you, "I want to get this
14 tattoo because it means something important to me"?

15 A Sometimes. Not always.

16 Q You're aware that choosing a tattoo is a
17 significant decision for many people, right?

18 MR. SIMON: Object to the form.

19 QUESTIONS BY MS. CENDALI:

20 Q Would you agree with that?

21 MR. SIMON: Go ahead.

22 A For many. Not all.

23 QUESTIONS BY MS. CENDALI:

24 Q But do you think that the tattoos Mr. Orton

1 chose were important to him?

2 MR. SIMON: Object to the form. Calls for
3 speculation.

4 To the extent you know, you can answer.

5 A To a degree.

6 QUESTIONS BY MS. CENDALI:

7 Q So when you saw Mr. Orton depicted very
8 realistically in WWE 2K game, I take it you were
9 impressed by the realism; is that right?

10 A Yes, I was.

11 Q Did you do anything, after you saw that, to
12 reach out to Mr. Orton or to WWE or 2K about what
13 you saw?

14 A No, ma'am.

15 Q Did you feel, when you saw this some years
16 ago -- sounds like it was over 4 years ago -- did
17 you see, when you saw this -- did you feel, when you
18 saw this, that your rights were in any way being
19 infringed upon?

20 MR. SIMON: Object to form.

21 Go ahead.

22 A Yes, ma'am.

23 QUESTIONS BY MS. CENDALI:

24 Q And did you contact anyone at the time to

1 A Sunshine Daydream.

2 Q When did you work there?

3 A Well, it was Painstation, but they had to
4 downsize and move there. So it was the same shop,
5 different location.

6 Q So that would have been before you worked at
7 Goldenlands?

8 A After.

9 Q Okay. So -- oh, I'm sorry. Right.
10 So it was the Slinging Ink briefly in 2001
11 for about 6 months, correct, in 2001?

12 And then you were at Goldenlands from
13 approximately 2001 until approximately 2006; is that
14 right?

15 A I'm not good with dates. I don't recall the
16 dates.

17 Q But it was approximately 5 years, is your
18 best recollection?

19 A Yes, ma'am.

20 Q And then you went to Painstation, which had
21 two different names? It was also Painstation, and
22 then it relocated to be Sunshine Daydream; is that
23 right?

24 A It was inside of the building that Sunshine

1 Daydream occupies. Painstation still held their --
2 I guess it was an LLC.

3 Q And then you joined Diablo Ink?

4 A Yes, ma'am.

5 Q Where you are today?

6 A Yes, ma'am.

7 Q Okay.

8 MR. SIMON: We've been going about an hour,
9 if you get a chance for a break.

10 MS. CENDALI: This is fine. We can take a
11 break now.

12 THE VIDEOGRAPHER: This concludes DVD No. 1.
13 We are going off the record at 10:51 a.m.

14 (Off the record.)

15 THE VIDEOGRAPHER: This is the beginning of
16 DVD No. 2. We are back on the record at 11:14 a.m.

17 QUESTIONS BY MS. CENDALI:

18 Q Ms. Alexander, you know you're still under
19 oath, correct?

20 A Yes, ma'am.

21 Q So when you left Goldenlands, did you tell
22 all the people you had inked there that you were
23 going to a new tattoo shop?

24 A No, ma'am.

1 QUESTIONS BY MS. CENDALI:

2 Q Have you ever told a client that they need
3 your permission before being photographed, showing
4 tattoos you inked?

5 A Photographed, no.

6 Q Have you ever told a client that they needed
7 your permission before being depicted on a TV show
8 with their tattoos?

9 MR. SIMON: Object to the form as far as
10 what you mean by "depicted."

11 Go ahead. Subject to that, you can answer.

12 A No, ma'am.

13 QUESTIONS BY MS. CENDALI:

14 Q Have you ever told a client that they needed
15 your permission before being shown on a T-shirt or
16 some other form of merchandise showing their
17 tattoos?

18 A No, ma'am.

19 Q Have you ever told a client that they needed
20 your permission before they could appear in a video
21 game showing your -- their tattoos?

22 MR. SIMON: Object to the form.

23 A No, ma'am.

24

1 QUESTIONS BY MS. CENDALI:

2 Q Is it fair to say that when the client
3 leaves your tattoo shop, it's your understanding
4 they're free to go about their life without needing
5 to go back to you for permission as to how they're
6 depicted with their tattoos?

7 MR. SIMON: Object to the form.

8 A Yes, ma'am.

9 QUESTIONS BY MS. CENDALI:

10 Q So going back to some of your tattoos, we
11 talked about the Giger-inspired dagger on your back
12 and the second tattoos on your neck that you've
13 lightened over time recently.

14 Can you tell me about the other tattoos --
15 maybe go in order -- that you have obtained?

16 A Next would be my hands.

17 Q Okay.

18 A Depicted for Mom and Dad.

19 Q And I take it that was a personal decision
20 you made to have Mom and Dad on your hands; is that
21 right?

22 A Yes, ma'am.

23 Q And is it fair to say that having Mom and
24 Dad on your hands is part of your individual

1 Q So in your experience in the tattoo field,
2 clients and tattooists don't sign agreements about
3 copyright issues, right?

4 A No, ma'am.

5 Q Have you ever done anything to tell clients
6 that you believe you own the copyrights of your
7 tattoos?

8 MR. SIMON: Object to the form.

9 A No, ma'am.

10 QUESTIONS BY MS. CENDALI:

11 Q Did Mr. Shrock ask your permission before
12 posting the picture of Space Cat on social media?

13 A No, ma'am.

14 Q Do you think he needed your permission to do
15 that?

16 MR. SIMON: Object to the form to the extent
17 it calls for a legal conclusion.

18 Subject to that, you can answer.

19 A No.

20 QUESTIONS BY MS. CENDALI:

21 Q Was it helpful to your business that he was
22 posting pictures of Space Cat on social media?

23 A I don't know.

24 Q Could it have been?

1 could hurt"?

2 A If they don't realize that when they come
3 in, they don't need a tattoo.

4 Q There's something you don't have to say
5 because it's obvious?

6 A Implied.

7 Q It's implied it might hurt?

8 A Yes, ma'am. Knowing the process.

9 Q Fair enough.

10 So when did you first meet Randy Orton?

11 A It was at -- while I worked at Goldenlands.

12 Q And how did you come to meet him?

13 A He came into the shop.

14 Q So did he know Mr. Glatstein? Am I
15 pronouncing it correctly?

16 A I believe it's Glatstein.

17 Q Glatstein.

18 Did he know him beforehand, or was he a
19 walk-in who saw the shop and came in to find out
20 more about it?

21 A I don't know.

22 Q So how -- how did it come that, of the
23 people at the shop, that you were the one who ended
24 up inking Mr. Orton?

1 Q And so you knew that he was on television in
2 wrestling events with his shirt off, and your
3 tattoos were visible; is that right?

4 MR. SIMON: Object to the form as far as
5 time.

6 Subject to that, you can answer.

7 A Yes, ma'am.

8 QUESTIONS BY MS. CENDALI:

9 Q Okay. And was that sometime in the
10 mid-2000s?

11 A Yes, ma'am.

12 Q Okay. So I'm just trying to proceed at the
13 moment chronologically.

14 So when he first came in, what did he say,
15 if anything, he wanted you to ink on him?

16 A An addition to an existing tattoo.

17 Q And who had done the original tattoo?

18 A I don't know the artist's name. Someone in
19 Tennessee.

20 Q And did he tell you what he wanted you to do
21 to enlarge it?

22 MR. SIMON: Object to the form.

23 A As far as what he wanted me to do, redo what
24 was there and create new pieces added on to it.

1 Make it larger.

2 QUESTIONS BY MS. CENDALI:

3 Q Did he say why he wanted it to be larger?

4 MR. SIMON: Object to the form.

5 A No.

6 QUESTIONS BY MS. CENDALI:

7 Q Did he want you to do it in the same style
8 as the original?

9 A Yes.

10 Q Was this a tribal tattoo?

11 A Yes, ma'am.

12 Q What does tribal -- what does a tribal
13 tattoo mean to you?

14 A It depends.

15 Q Okay. Well, in the tattoo industry, is a
16 tribal tattoo a category of tattoos?

17 A Yes.

18 Q And what does that refer to?

19 A There's different forms. There's Polynesian
20 tribal; there's tribal which is a generic black
21 tattoo, not representative of a culture.

22 Q And what type of tribal tattoo was this
23 first tattoo that you added to for Mr. Orton?

24 A I understand it was a piece of flash.

1 A Yes.

2 Q Okay. And then there's another image that
3 says "After," and that -- does that indicate the
4 same design but with more of it going up the back of
5 the neck?

6 A The same design with corrections and
7 additions.

8 Q Okay. And the additions, am I describing it
9 correctly, in your mind, are extending the design
10 further up the neck?

11 MR. SIMON: Object to the form.

12 A Yes, and a bit towards the shoulders.

13 QUESTIONS BY MS. CENDALI:

14 Q Okay. So could you please -- did you do the
15 white part and the shading on the same session as
16 you extended the original tribal design up the neck
17 and a little bit to the shoulders, or were those two
18 separate sessions?

19 A I don't recall.

20 Q Okay. So you mentioned that Mr. Orton had
21 come into your shop and said that he wanted to have
22 his -- one of his preexisting tattoos altered; is
23 that right?

24 A Yes.

1 A I didn't not like him.

2 Q Okay. And did you sketch out for him and
3 get his approval on the additions that you were
4 making to his tribal design?

5 A I did some scribbles, but ultimately just
6 drew it on his skin.

7 Q All right. Well, let's take a look at --
8 well, and to be clear, did you tell him what you
9 were going to be doing before you did it, and did he
10 say, "Okay, that's what I want"?

11 A He didn't know what I was going to be doing.
12 It was he trusted me.

13 Q But he told you he wanted you to make it
14 bigger and to extend it, right?

15 MR. SIMON: Object to the form.

16 A Yes.

17 QUESTIONS BY MS. CENDALI:

18 Q All right. So let's take a look at what's
19 been marked as Exhibit 4, the document that was
20 produced to us in discovery. There's the Bates
21 number Alexander 40.

22 Can you recognize that document?

23 A Yes, ma'am.

24 Q What is it?

1 A Four tattoos, but some done in more than
2 one -- one session.

3 Q Okay. So walk me through which tattoos you
4 did first and which tattoos you did second.

5 A I don't recall.

6 Q All right. Well, what -- can you describe
7 to me what the tattoos were that you inked on his
8 body, as reflected in Alexander 28?

9 MR. SIMON: Object to the form.

10 A What tattoos?

11 QUESTIONS BY MS. CENDALI:

12 Q Did you ink tattoos on Mr. Orton's forearms?

13 A Yes, I did.

14 Q Are those tattoos depicted in Exhibit 7, the
15 document you're holding?

16 A Yes.

17 Q Okay. And are those also tribal designs?

18 A They are.

19 Q Are they in the same style as the original
20 tribal design on his back?

21 A I don't think so.

22 Q Did you discuss with Mr. Orton adding
23 additional tribal designs to his arms?

24 A He requested them.

1 have today are the pictures that -- is there a piece
2 of paper in your files that looks just like
3 Exhibit 9 with these two photographs, or did you put
4 these together in some fashion?

5 A I submitted them, and that's -- that's it.
6 I don't know that I have those at home, no. They
7 were printed on paper for the purpose of the
8 mock-up.

9 Q Back at the time when you were working with
10 Mr. Orton in the 2003, 2008 period?

11 A Yes, ma'am.

12 Q Okay. So all you have are physical copies
13 of the actual photographs or sketches? You don't
14 have any electronic files relating to that, right?

15 A Correct.

16 Q Okay. All right. So after you inked the
17 tribal designs on Mr. Orton's arm, what was the next
18 tattoo that you inked on Mr. Orton?

19 A I want to be accurate. I believe it was the
20 rose for his daughter.

21 Q Now, going back to -- a minute for the
22 sessions where the tribal designs on his arms and
23 forearms were done, the ones we were just talking
24 about, was anyone other than you or Mr. Orton

1 present at any of these sessions?

2 A People in and out of the shop.

3 Q Was anyone looking on and observing that you
4 can recall?

5 A No.

6 Q What about Mr. Glatstein?

7 A I don't know where he was.

8 Q Did Mr. Orton bring anyone with him for that
9 session?

10 A I don't recall. We discouraged people from
11 bringing groups or, you know, friends. It's
12 disruptive to the process.

13 Q So for the first one that we talked about,
14 which is the tribal design that you extended on
15 Mr. Orton's back, how much were you paid to do that
16 work?

17 A I don't recall.

18 Q Were you paid?

19 A Yes, ma'am.

20 Q And were you paid on a -- an
21 amount-per-square-inch basis because you were
22 working at the Goldenlands tattoo shop at the time?

23 A Yes.

24 Q And were you paid to do the second set of

1 Q All right. Is -- going back to Exhibit 7,
2 which should be in the stack in front of you, I'm
3 just trying to get some clarity as to the number of
4 tattoos that you did and where they are.

5 You mentioned that there was -- at the
6 bottom of the -- in the rose picture, some of the
7 tribal work that you did on the bottom of his arm,
8 is that the -- are the tattoos that you're referring
9 to reflected in Exhibit 7?

10 A The tribal piece on his -- no.

11 Q All right. So now, in addition to -- so
12 after the rose, what was the next tattoo you inked
13 on Mr. Orton?

14 A The Bible verse.

15 Q Okay. Let's look at the Bible verse with
16 regard to Exhibit 10, which is already in front of
17 you.

18 What Bible verse is that?

19 A I don't know.

20 Q Did Mr. Orton come to you and tell you that
21 he had a particular Bible verse in mind that he
22 wanted tattooed on his arm?

23 A Yes, ma'am.

24 Q Did he give you -- bring you a copy of the

1 verse?

2 A He had written it on a piece of paper.

3 Q And what conversation, if any, did you have
4 with him about it?

5 A He said it was meaningful to him due to his
6 battle with substances, and he felt it would keep
7 him on the straight and narrow if he had it tattooed
8 on his arm.

9 Q Do you believe that tattoo has particular
10 meaning to Mr. Orton?

11 A I would assume so.

12 Q Would you agree that the tattoo of the rose
13 reflecting his daughter has personal meaning for
14 Mr. Orton?

15 MR. SIMON: Object to the form.

16 A I would hope so, yes.

17 QUESTIONS BY MS. CENDALI:

18 Q Would you agree that the various tribal
19 tattoos that you affixed on Mr. Orton have personal
20 meaning to him reflecting him as a warrior?

21 MR. SIMON: Object to the form.

22 A No.

23 QUESTIONS BY MS. CENDALI:

24 Q Why not?

1 A He stated as such.

2 Q So why did he say he wanted them?

3 A I can't speculate to that.

4 Q Did he say he wanted to look cool?

5 A I'm sure that's part of it, yes. That's
6 what he said to me.

7 Q Did -- can you tell me how you went about
8 tattooing the Bible verse on Mr. Orton?

9 A I don't understand the question.

10 Q Sure.

11 Did you -- did you -- when he -- did he --
12 did you show him how the Bible verse would look?
13 Did you discuss with him typeface? How did you go
14 about going from his desire to have the Bible verse
15 on his arm to actually inking?

16 A I had typed it on the Word program and
17 altered the letters once on the skin.

18 Q I'm saying -- when you say you typed it on
19 the Word program, what do you mean?

20 A The computer, Office Word. Picked out the
21 clearest font. Had the spacing done correctly, had
22 the size done correctly for the space that we were
23 going to use. Once on the skin, I used my pen to
24 complete the lettering.

1 inked on him?

2 A Yes, I do.

3 Q Do you feel he needed your permission to do
4 that?

5 A No.

6 MR. SIMON: Somebody's phone is ringing. I
7 don't know who it is.

8 MS. CENDALI: We'll ignore it.

9 QUESTIONS BY MS. CENDALI:

10 Q Do you know when in the process you inked
11 the dove on Mr. Orton?

12 A Approximately the same time I was doing the
13 skulls and roses.

14 Q And at what tattoo shop were you working on
15 at that point?

16 A Painstation.

17 QUESTIONS BY MS. CENDALI:

18 Q Let me show you what's been marked as
19 Exhibit 12, Alexander 37.

20 Can you identify what the document bearing
21 the Bates number Alexander 37, Exhibit 12, is in
22 reference to?

23 A To see proper position of the dove.

24 Q Is this a sketch that you made, Exhibit 12?

1 A It is.

2 Q Did you use a computer reference? How
3 did -- or just draw the dove from imagination?

4 A I've seen doves. I've looked at pictures
5 but came up with a dove.

6 Q Okay. And could you hold up Exhibit 12 to
7 the camera.

8 Was this dove inked like this on Mr. Orton's
9 forearms?

10 A It was not.

11 Q Okay. Could you -- why not?

12 A It didn't fit his muscle structure properly.

13 Q Did he say, "No, that's not going to work.
14 I don't want that image"?

15 MR. SIMON: Object to the form.

16 A I said it would be more pleasing to have the
17 head facing forward, made the wing position
18 significantly larger in the front, changed the
19 position of the one in the back so it was more
20 visible. And as I recall, I changed the feet -- but
21 it's not visible on here -- so they were more
22 separate.

23 QUESTIONS BY MS. CENDALI:

24 Q And did you -- why did Mr. Orton say he

1 wanted a dove on him?

2 A I don't know.

3 Q Did he say, "Please ink a dove on me," or
4 did you say, "Hey, would you like a dove?"

5 A He said he would like a dove.

6 Q Did he give you any reason for why he wanted
7 a dove as opposed to a tiger or a koala bear or
8 something else?

9 A No.

10 Q Do you recall any other conversation with
11 him about the dove?

12 A Other than make it soft, no. No black
13 tones.

14 Q He said he didn't want black tones and he
15 wanted soft; is that right?

16 A Same as the skulls and the roses. It was
17 all to be on the same vein of gray shading,
18 grayscale.

19 Q I see.

20 And was this dove design -- forgive me if
21 I've asked you this -- was this done before the
22 skulls?

23 A Yes, because they go behind it.

24 Q Okay. Other than what we've looked at, were

1 A No.

2 Q Are you saying -- you agree that Mr. Orton
3 appears very realistically in the WWE Take-Two video
4 games, correct?

5 A Yes.

6 Q Okay. And you would agree that his tattoos
7 are being depicted realistically, correct?

8 A Yes.

9 Q And is it your view that he should not be
10 permitted to be depicted realistically with his
11 tattoos in the WWE 2K video games without
12 compensating you?

13 MR. SIMON: Object to the form.

14 A Absolutely, yes, that is what I am saying.

15 QUESTIONS BY MS. CENDALI:

16 Q And do you believe that Mr. Orton needs to
17 pay you money before he's depicted with his tattoos
18 at wrestling performances?

19 MR. SIMON: Object to the form.

20 Go ahead.

21 A No.

22 QUESTIONS BY MS. CENDALI:

23 Q Do you believe Mr. Orton needs to pay you
24 money before he's depicted with his tattoos in

1 that does not have to be gone through to aim a
2 camera at him and capture his image.

3 QUESTIONS BY MS. CENDALI:

4 Q Isn't a process gone through when someone
5 takes a camera -- the camera creates a digital file
6 of what someone looks like, correct? That's a
7 process, right?

8 MR. SIMON: Object to the form. It's
9 compound.

10 Go ahead.

11 A It doesn't have to add or take anything
12 away. It is him as he is. No one alters anything,
13 and no one recreates anything, and no one copies
14 anything.

15 QUESTIONS BY MS. CENDALI:

16 Q Is Mr. Orton's appearance altered in any way
17 by WWE 2K video games?

18 MR. SIMON: Object to the form.

19 A Other than him appearing in digital form,
20 unfortunately, no.

21 QUESTIONS BY MS. CENDALI:

22 Q Now, to be clear, this house show that you
23 mentioned, the house show is a big event, right? In
24 other words, it's not televised, but it's otherwise

1 A No.

2 Q Would you agree with me that Take-Two is not
3 in the business of inking tattoos on people?

4 A As far as I know, yes, I would.

5 Q And I take it you would agree that WWE is
6 not in the business of inking tattoos on people,
7 right?

8 A That's my understanding.

9 Q And the same would be true for the Yuke
10 entities, right? You don't know anything about the
11 Yuke entities, do you?

12 A I don't know anything about any of them.

13 Q You've never had any contact with them
14 whatsoever, correct?

15 A Correct.

16 Q Do you have any idea where they're even
17 located?

18 A No, I do not.

19 Q Is it fair to say that as a professional
20 tattooist -- is it fair to say that you, as a
21 professional tattooist, and Take-Two, as a video
22 game creator, are not competing for customers?

23 A I don't even understand that question.

24 Q You don't consider yourself to be in

1 competition with Take-Two, do you?

2 A No.

3 Q You're not in competition with WWE or Yuke
4 either, are you?

5 A No, I'm not.

6 Q Would you agree that watching a WWE 2K video
7 game is not a substitute for getting a tattoo?

8 MR. SIMON: Object to the form.

9 A I don't understand the question.

10 QUESTIONS BY MS. CENDALI:

11 Q You don't know of anyone who is choosing
12 between getting a tattoo and watching a WWE 2K video
13 game, correct?

14 MR. SIMON: Object to the form.

15 A I can't determine that. They may.

16 QUESTIONS BY MS. CENDALI:

17 Q Well, would you agree that watching a WW --
18 excuse me.

19 Would you agree that playing a WWE 2K video
20 game is not a substitute for getting a tattoo?

21 MR. SIMON: Object to the form. Asked and
22 answered.

23 A I don't understand the comparison.

24

1 money, I have no idea.

2 Q Well, let's talk about -- are you aware
3 of -- have you ever made any money from licensing
4 any of the tattoos you've ever inked on any of the
5 tattoos in this case to anyone?

6 A No.

7 Q Have you ever licensed any of the tattoos --
8 not just the six tattoos at issue in this lawsuit,
9 have you ever licensed any of the tattoos you've
10 inked on anyone to anyone?

11 A No.

12 Q Do you have any agreement with Mr. Orton
13 that the tattoos you inked on him would only be used
14 in connection with him?

15 A I don't understand the question.

16 Q Sure.

17 When you were inking the tattoos at issue in
18 this case on Mr. Orton, did you ever tell him that
19 you wouldn't ink those same tattoos on anyone else?

20 A I told him that, and he said, "You made
21 them. You can do whatever you want with them," were
22 his words.

23 Q Okay. Is there anything else that -- and
24 have you ever inked the tattoos that you inked on

1 Mr. Orton on anyone else?

2 A Not that I recall.

3 Q You brought up this other conversation you
4 had with Mr. Orton with regard to whether you could
5 ink the tattoos on other people and his response
6 that you could do what you wanted.

7 Do you recall any other conversations with
8 Mr. Orton about the tattoos?

9 A Could you be more specific?

10 Q Sure.

11 I asked you about how the tattoos were
12 created. I asked you about the different tattoo
13 sessions.

14 Is there anything else you can recall that
15 you and Mr. Orton said to one another about the
16 tattoos you inked on him or how they could be used?

17 A Told him he needed to wear sunblock
18 religiously or he was going to destroy the white and
19 the gray tones in the tattoos.

20 Q Anything else?

21 A Not that I recall.

22 Q Have you -- I take it you've never licensed
23 any tattoo to be included in a video game, correct?

24 A No, ma'am, I have not.

1 Q And is it fair to say, at no time when you
2 were inking tattoos on Mr. Orton did it even occur
3 to you that Mr. Orton, with his tattoos, might
4 appear in a video game?

5 A I never -- never occurred to me.

6 Q Is it fair to say you don't know of any
7 tattoo artists that have ever licensed their tattoos
8 for video games?

9 A No.

10 Q How, if at all, have you been harmed by
11 Mr. Orton being depicted with his tattoos in WWE 2K?

12 MR. SIMON: Object to the form.

13 A I believe people choose characters that they
14 like due to their persona, their appearance. He's
15 very recognizable. He's been voted the best tattoos
16 of WWE multiple times on their own venues on TV. So
17 they've made money off of his images, and I have
18 not.

19 QUESTIONS BY MS. CENDALI:

20 Q When was he -- was he named best tattoos, as
21 you say -- when did you hear about that?

22 A He pointed it out.

23 Q So at the time when you were still inking on
24 him, he told you this; is that right?

1 A Yes. He brought me the magazine page when
2 he was on Great Day in St. Louis, and he talked
3 about it. He pointed out the appearance on The
4 George Lopez Show and named me as his sole tattooer,
5 same on Great Day St. Louis. And also on the WWE,
6 they have competitions every year to have the fans
7 vote who has the best tattoos.

8 Q And he told you this?

9 A He did.

10 Q And what did you say back?

11 A Said, "Good for you, buddy."

12 Q You didn't say, "Well, that's great, but I'm
13 going to expect you to have to pay me if you're
14 going to be depicted with these tattoos in the
15 future"?

16 MR. SIMON: Object to the form.
17 Mischaracterization.

18 Go ahead.

19 A Those were recordings that were unaltered of
20 him and photographs that were unaltered of him. It
21 was him in real life showing what is on his skin.

22 QUESTIONS BY MS. CENDALI:

23 Q Right.

24 And you never told him that he needed to go

1 back to you for any kind of permission or
2 compensation for showing what was on his skin,
3 right?

4 A For him in real life, no.

5 Q And were you pleased that he was named best
6 tattoos and things like that?

7 A Of course. It's a great compliment to me
8 and to him.

9 Q Was it good publicity for your business?

10 A I don't recall anyone coming in saying that
11 that's what they saw so they were in the shop to get
12 tattooed by me because they saw that.

13 Q Well, did you or any of your bosses kind of
14 mention that to potential customers, "Hey, this is
15 the tattooist who inked Randy Orton"?

16 MR. SIMON: Objection.

17 QUESTIONS BY MS. CENDALI:

18 Q That never came up, and you never mentioned
19 that to any potential customer?

20 MR. SIMON: Object to the form.

21 A People have asked me, but I don't volunteer
22 information to my customers. I don't wear a T-shirt
23 or wave a banner or anything like that. If I'm
24 asked, I answer.

1 MR. SIMON: Object to the form.

2 QUESTIONS BY MS. CENDALI:

3 Q You're not aware of any business that you
4 have lost as a result of Mr. Orton being depicted in
5 WWE 2K showing his tattoos, right?

6 A It would be impossible to know.

7 Q You don't know of any business you have
8 lost, yes or no?

9 A No.

10 Q And you're not aware of any clients you've
11 lost due to the depiction of Mr. Orton in WWE 2K
12 with his tattoos, correct?

13 A Correct.

14 Q And has this lawsuit garnered you some
15 publicity?

16 A Publicity in what way?

17 Q Has this lawsuit led to any publicity for
18 you?

19 A I don't talk about the lawsuit, so --

20 Q Have there been press articles about the
21 lawsuit?

22 A I'm sure there may have been.

23 Q Have there been anyone, you know, coming to
24 you, saying, "Hey, you know, are you the one that

1 QUESTIONS BY MS. CENDALI:

2 Q When did the truck accident occur?

3 A I've had three collisions with uninsured
4 drivers that were drunk since 2008. None of them
5 helped me to walk better, move better, or work
6 better.

7 Q So when was the last time you worked
8 full-time in the tattoo industry?

9 A I don't recall.

10 Q Was it in 2009?

11 A I would say that would -- yeah, 2009 seems
12 reasonable.

13 Q So by 2010, you were already not working
14 full-time after that point in the tattoo industry;
15 is that right?

16 A Yes.

17 Q So in 2009, the last year that you were
18 working full-time in the tattoo industry, what was
19 your annual compensation as a result of your tattoo
20 business?

21 A I don't know.

22 Q Did you pay taxes?

23 A No.

24 Q You didn't file taxes?